

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JOHN WOODRUFF,

Plaintiff

v.

CITY OF TRUSSVILLE, et al.,

Defendants

Case No. 2:08-cv-00114-HGD

ORDER

On July 17, 2008, the magistrate judge's report and recommendation was entered and the parties were allowed therein eleven (11) days in which to file objections to the recommendations made by the magistrate judge. No objections have been filed by either the plaintiff or the defendants.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendations of the magistrate judge, and it is, therefore,

ORDERED, ADJUDGED and DECREED that:

(1) defendants' motion to dismiss Count VIII of the amended complaint is due to be and hereby is **DENIED**;

(2) defendants' motion to dismiss the claim of "negligent prosecution" as set out in ¶¶ 84 and 87 of Count IX of the amended complaint is due to be and hereby is **GRANTED** and these paragraphs are **STRICKEN**;

(3) in all other respects, the motion to dismiss Count IX is due to be and hereby is **DENIED**; and

(4) in light of the filing of the amended complaint and defendants' Motion to Dismiss as to the amended complaint, the Motion to Dismiss the original complaint is **MOOT**.

DONE this the 31st day of July, 2008.



VIRGINIA EMERSON HOPKINS
United States District Judge